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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,645	01/09/2006	Jean Levy Dreyfus	15675P572	4381
8791 7590 10/30/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279.OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER NISSAN, BARAK	
			ART UNIT 4117	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,645	Applicant(s) DREYFUS ET AL.	
	Examiner Barak Nissan	Art Unit 4117	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 4 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Application No. 10/532,645, filed 4/25/2005, claims 1-3 and 5-7 have been examined.

Abstract

2. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. The abstract of the disclosure is objected to because the abstract exceeds over 150 words and exceeds over 15 lines. Correction is required. See MPEP § 608.01(b)

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the

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description: Fig. 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejection under 35 USC §101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-8 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101, namely, process, machine, manufacture, composition of matter or improvements thereof. Specifically, the claims are directed to a "multi-tier networked computer architecture", comprising at least a database tier and a communication tier *on the network*, which as such seem to be separate entities on a network and not components forming a machine/apparatus.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Claims 2 and 3 inherit the same indefiniteness.

8. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claimed clause "*which database contains both data and documents in a manner proper to each user by constituting the organized and unique end-user storage space*" is unclear to what is meant by "proper" to each user, as well as an "organized and unique" end-user storage. The claim fails to define what proper, organized and unique are intended to mean and a clear and intended definition is not found in the written description as filed. Further, the claimed clause "the organized and unique end-user storage space" seems to lack antecedent basis in the claim. For further purposes of examination, database contains information from client.

Claim Objections

9. Claim 4 and 8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must not depend from another multiple dependent

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claim (3 or 7). See MPEP § 608.01(n). Accordingly, the claims 4 and 8 have not been further treated on the merits.

10. Claims 1, 3 and 5 are objected to because of the following informalities: spelling error on the following words: oprations, multi-ticr, clicnt, pcrmit, internct, and scrvlets.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Yousefi'zadeh (US 6,950,848).

13. Regarding claim 1, Yousefi'zadeh teaches multi-tier networked computer architecture intended to permit access to a personal resources environment via a network such as Internet (col 1, lines 25-39), from various access points corresponding to different types of client workstation (i.e. first tier, col 3 lines 62-63), characterized in that the computer architecture comprises:

a standard relational database server tier (e.g. database server/engine (DBMS),

third tier 20 of Fig. 1A), comprising a database manager able to execute on request all operations on data in the database (e.g. create, maintain and manage data thereon) (col 4, lines 19-29), which database contains both data and documents in a manner proper to each user by constituting the organized and unique end-user storage space i.e. the database contains both data and documents in a end-user storage space accessible by each user (read & write accessibility see col 18, lines 10-14, database which contains both data and documents, e.g. hypertext document request to an Oracle database see col 7 lines 28-45),

a communication tier (i.e. middle tier) on the network comprising a communication server and client software (e.g. 18, 28) with the ability to communicate together in a standard network format (e.g. network protocol) (col 4 lines 5-28 and col 7, lines 28-56), and

an intermediate software layer for the server (e.g. application server in the middle tier, col 4 line 66) connected on the one hand to the database server tier and on the other hand, to the communication tier (Fig. 1A), and comprising a set of servlets with the ability (col 4 lines 43-45, e.g. servlet application programming interface (API), col 6 line 52), in response to requests from the communication tier, to execute procedures corresponding operations of a type pre-defined in the database manager, using different servlets corresponding to different types of client workstation (col 6 lines 51-67).

14. Regarding claim 2, Yousefi'zadeh teaches architecture as set out in claim 1, characterized in that the client software is a standard Internet navigator (browser, col 4 line 30).

15. Regarding claim 3, Yousefi'zadeh teaches Architecture as set out in claim 1 or 2, as described above, characterized in that the communications tier defines two distinct

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communication channels, on the one hand for specific graphical interface information (html, col 7 lines 1-11) for each type of client workstation, and on the other hand, for dispatching data or documents to or from the client workstation (col 7 lines 28-35).

16. Regarding claim 5, this claim comprises multi-tier computer architecture to enable access to a personal resources environment via a network substantially is similar to the steps discussed in claim 1, thereby same rationale of rejection is applicable.

17. Regarding claim 6, this claim comprises a standard Internet navigator substantially is similar to the step discussed in claim 2, thereby same rationale of rejection is applicable.

18. Regarding claim 7, this claim comprises two distinct communication channels substantially is similar to the steps discussed in claim 3, thereby same rationale of rejection is applicable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barak Nissan whose telephone number is (571)-270-3632. The examiner can normally be reached on Mon-Thurs 7:30 am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beatriz Prieto can be reached on (571)-272-3902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B.N.
Patent Examiner

/Prieto B./
Supervisory Patent Examiner, Art Unit 4117